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WILLIAM ALLEN GARRETT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WILLIAM ALLEN GARRETT,

Plaintiff,

v.

ANDREAS RUIZ, et al.

Defendants,

Civil No. 11-2540-IEG (WVG)

**DECLARATION IN SUPPORT OF MOTION
FOR LEAVE TO WITHDRAW AS
ATTORNEY**

Judge: Hon. Judge Gonzalez

Courtroom: 1

Motion Date: January 14, 2013

Motion Time: 10:30 a.m.

I, DANIEL A. VESPI, declare as follows:

1. Myself and Jonathan Jordan are counsel for the plaintiff in the above-entitled case.
2. A motion is brought pursuant to Local Rule SD CA Rule 83.3 (g)(3) for withdrawal as attorney for Plaintiff in this matter.
2. Plaintiff, William Allen Garrett, has been properly served counsel's Notice of Motion and Motion for Leave to Withdraw as Attorney as required.
3. The Defendant's attorney of record has also been given required notice of this motion.

1 4. The purpose and reason for the motion to withdraw stems from a severe breakdown in the
2 attorney-client relationship, particularly the plaintiff's inability to follow the provisions of the retainer
3 agreement, such that our further representation of Mr. Garrett on this matter would run afoul of our
4 personal and professional beliefs, duties, and responsibilities. This motion is partially based on
5 monetary grounds, but also comes as a result of client's actions and our belief that continued
6 representation may result in violation of the Professional Rules of Conduct or of the State Bar Act.

7 5. Withdrawal from this case, at this time, would not cause an extreme or material prejudice to
8 Mr. Garrett's case. The potential harm and degree of such harm of our withdrawal do not outweigh the
9 interests served by such withdrawal.

10 6. Following recent occurrences, I fear that the attorney-client relationship has been severely
11 damaged. Further, I believe our relationship with clients must most importantly be based on trust, and
12 do not feel that his current relationship with Mr. Garrett meets this standard. These recent
13 developments affect my ability to trust Mr. Garrett, an important aspect to providing adequate and
14 ethical legal representation. In order to comply with attorney-client confidentiality, I further refrain
15 from divulging information regarding the conflict, but remain available to comply with any court
16 inquiries on the matter.

17 7. I move to withdraw as Mr. Garrett's attorney because of the events that have occurred and in
18 order to prevent any dishonesty in my professional capacity or any violations of the Professional Rules
19 of Conduct.

20
21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed this 6th day of December, 2012, at San Diego, California.

23
24 Respectfully Submitted,

25
26 /s/ Daniel A. Vespi
27 Daniel A. Vespi, Esq.
28 Attorney for Plaintiff,
William Allen Garrett